

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2195 of 2016

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Chandan Kumar Son of Sri Suresh Prasad Keshari, Resident of Ambedkar Nagar, Lakhanpur, P.S. - Mohanpur, District - Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Gaya.
2. The District Magistrate - cum - Collector, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Ritesh Kumar, SC-33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 06-04-2016

Heard learned counsel for the petitioner and the State.

The petitioner claims that his Pick-up Van bearing registration No. BR-02W-7585 has been ordered to be released by the Confiscation Authority in Confiscation Case No.06/15 for which Gaya Muffasil P.S. Case No.205/15 has also been registered with an allegation that the vehicle of the petitioner was loaded with 44 bags (22 quintals) of rice which was suspected to be the government scheme. The vehicle has been ordered to be released on furnishing bank guarantee of Rs.4,80,000/-. The petitioner wants modification of that order as it is contended that he is not in a position to furnish bank guarantee and the order of release may be passed on furnishing sufficient security subject to the satisfaction of the confiscating authority.

It is contended that the bank guarantee would not serve any purpose except the money of the petitioner would remain blocked in the bank. Learned counsel produces an unreported decision dated

16.11.2000 passed in CWJC No.11495/2000 (Narayan Prasad Sultania & Anr. Vs. State of Bihar and Anr.) to impress upon the Court that, under identical situation, a Single Judge Bench of this Court has modified the order and the petitioner was directed to produce sufficient security for the purpose of release of the vehicle.

Having regard to the aforementioned facts and circumstances, the order dated 22.12.2015 passed by the District Magistrate, Gaya in Confiscation Case No. 06/2015 as contained in Annexure-1 is modified to the extent that the petitioner's vehicle be released on furnishing sufficient security to the satisfaction of the Confiscation Authority 10% of that would be in the nature of bank guarantee/cash.

It is made clear that whenever the vehicle in question would be required either in the confiscation proceeding or police case, that has to be produced by the owner in whose favour that would be released and, thus, the petitioner would not dispose of, alter or modify the vehicle till the aforesaid cases are pending.

The release would be subject to the final result of Gaya Muffasil P.S. Case No.205/15 as well as Confiscation Case No. 6/2015.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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